

House File 576 - Introduced

HOUSE FILE 576
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO HSB 147)

A BILL FOR

1 An Act relating to background investigations of individuals
2 employed through temporary staffing agencies with certain
3 health care providers.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 135C.33, Code 2017, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 5A. *a.* This section shall also apply to an
4 employee of a temporary staffing agency that provides staffing
5 for a facility, service, program, or other provider regulated
6 by this section if the employee provides direct services to
7 consumers.

8 *b.* In substantial conformance with the provisions of this
9 section, prior to the employment of such an employee, the
10 temporary staffing agency shall request the performance of the
11 criminal and child and dependent adult abuse record checks.
12 The temporary staffing agency shall inform the prospective
13 employee and obtain the prospective employee's signed
14 acknowledgment. The department of human services shall perform
15 the evaluation of any criminal record or founded child or
16 dependent adult abuse record and shall make the determination
17 of whether a prospective employee of a temporary staffing
18 agency shall not be employed by the temporary staffing agency.

19 *c.* If a person employed by a temporary staffing agency that
20 is subject to this section is convicted of a crime or has a
21 record of founded child or dependent adult abuse entered in the
22 abuse registry after the person's employment application date,
23 the person shall inform the temporary staffing agency within
24 forty-eight hours and the temporary staffing agency shall
25 inform the facility, service, program, or other provider within
26 two hours.

27 *d.* If a temporary staffing agency fails to comply with the
28 requirements of this section, the temporary staffing agency
29 shall be liable to the facility, service, program, or other
30 provider for any actual damages, including civil penalties, and
31 reasonable attorney fees.

32 *e.* This section shall not apply to employees employed by a
33 temporary staffing agency for a position that does not provide
34 direct services to consumers.

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EXPLANATION

1 The inclusion of this explanation does not constitute agreement with
2 the explanation's substance by the members of the general assembly.

3 This bill relates to background investigations of employees
4 of temporary staffing agencies contracted with a health care
5 facility, assisted living program, or other provider. The bill
6 adds to Code section 135C.33, relating to child or dependent
7 adult abuse information and criminal record checks for certain
8 employees. The bill provides that such a temporary staffing
9 agency shall conduct criminal and child and dependent adult
10 abuse record checks on prospective employees if the employee
11 provides direct services to consumers. The department of
12 human services shall perform an evaluation of any criminal
13 record or founded child or dependent adult abuse record and
14 make the determination of whether a prospective employee of
15 a temporary staffing agency shall not be employed. The bill
16 provides that if a person employed by the temporary staffing
17 agency is convicted of a crime or has a record of founded
18 child or dependent adult abuse entered in the abuse registry
19 after the employment application date the person shall inform
20 the temporary staffing agency within 48 hours and in turn
21 the temporary staffing agency shall inform the health care
22 facility, assisted living program, or other provider the person
23 is contracted to work for within two hours of notification.

24 The bill provides that if a temporary staffing agency does
25 not comply with the requirements, the temporary staffing agency
26 shall be liable to the health care facility, assisted living
27 program, or other provider for any actual damages, including
28 civil penalties, and reasonable attorney fees that result from
29 a failure to comply.